

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-Wq 1106.02
1. Agency Name & Address: NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: _____ 3. Federal Authority: _____ 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment _____	RSA 485-A:6, X X

5. Short Title: Public Swimming Pools - Materials and Methods of Construction

6. (a) Summary of what the rule says and of any proposed amendments:

Env-Wq 1100 establishes requirements for public bathing facilities. Env-Wq 1106.02 establishes the required materials and methods of construction for public swimming pools. The existing rule requires the pool bottom to “have a light-colored finish.” Due to the number of questions that have arisen about whether certain materials qualify as “light-colored”, the Department is proposing to revise the rule to be more specific. The proposed revisions are based on section 4.5.11, Color and Finish, of the Model Aquatic Health Code, 1st Edition, August 2014 (MAHC), promulgated by the Centers for Disease Control and Prevention (CDC). Revisions also are proposed to clarify what characteristics the materials used for pool walls and bottoms must have (rather than limiting the materials to those specifically listed), to accommodate the potential for new materials to be developed or adapted for use in public swimming pools.

6. (b) Brief description of the groups affected:

The proposed rule directly affects designers/installers of public swimming pools and indirectly affects anyone who wishes to own/operate a new public swimming pool.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section	State Statute Implemented
Env-Wq 1106.02	RSA 485-A:26

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Tim Wilson	Title:	Public Bathing Facility Program Manager
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-7108
		Fax#:	(603) 271-7894
		E-mail:	Richard.Wilson@des.nh.gov

The rules also can be viewed in PDF at
<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-
800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, August 7, 2015**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, July 24, 2015 at 9:30 AM**

Place: **Rooms 110-111, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 15:109 , dated 06/22/15:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may decrease costs to independently owned business by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

To the extent independently owned businesses design and install pools, they may realize a reduction in costs because they should no longer need to consult with the Department of Environmental Services to determine what materials may be used in the construction of public swimming pools.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule clarifies what a "light-colored finish" is and what materials can be used for purposes of public swimming pool construction. The proposed rule does not specify what materials must be used to construct the pool or to obtain a "light-colored finish". Further, the proposed rule will not apply to any existing public swimming pools. The proposed rule thus does not create, modify, or expand any program in such a way as to necessitate additional local expenditures, and so does not violate Part I, Article 28-a of the N.H. Constitution.